

REMARKS

Summary of Office Action

Claims 1-36 were pending in this application. Claims 1-28 have been withdrawn pursuant to a restriction requirement.

The Examiner rejected claims 29-34 under 35 U.S.C. 103(a) as being obvious from Michaels, Jr. U.S. Patent No. 5,685,846 (hereinafter "Michaels").

Dependent claims 35 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from Michaels in view of Kamstra U.S. Patent No. 4,822,340 (hereinafter "Kamstra").

Summary of Applicants' Reply

Applicants have amended claims 29 and 33 and have added new claims 37-44 to more clearly define the invention. Withdrawn claims 21-28 have been canceled without prejudice.

No new matter has been added.

Reconsideration of this application in view of the claim amendments and following remarks is respectfully requested.

Rejections of Claims 29-34 Under 35 U.S.C. § 103(a)

Claims 29-34 were rejected under 35 U.S.C. §103(a) as being obvious from Michaels. The Examiner said that although Michaels does not disclose a specific way of loading its syringe assembly, there are only a few ways of doing so, and applicants' method is one obvious way.

These rejections are respectfully traversed.

Independent claim 29 has been amended to define a method requiring the insertion of a seal structure into a chamber at a user selected location within the chamber, the chamber having no interior structures. Support for this amendment is found in applicants' specification, page 20, paragraph 79, and in applicants' FIGS. 17A,B.

Michaels does not disclose or suggest this method.

In contrast, Michaels requires that its internal by-pass stopper 17 be "held in place by a radially inward internal sealing ring 19 formed in body 15" (Michaels column 3, lines 39-40). Thus, when inserted into syringe body 15, Michaels' stopper 17 can be located at only internal sealing ring 19.

Independent claim 29 is therefore not obvious from Michaels and should thus be allowable.

For at least these reasons, dependent claims 30-34, which depend either directly or indirectly from independent claim 29, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicants respectfully request that the rejections of claims 29-34 under 35 U.S.C. §102(b) be withdrawn.

Rejections of Claims 35 and 36 Under 35 U.S.C. § 103(a)

Dependent claims 35 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious from Michaels in view of Kamstra, which was cited to suggest that the dry medicament may be in tablet form.

These rejections are respectfully traversed.

As discussed above, independent claim 29 is not obvious from Michaels.

Moreover, neither Kamstra nor Michaels discloses the insertion of a seal structure that has a flow path formable therein and there through. Michaels discloses a by-pass stopper 17 that has arcuately shaped projections 43 that allow “the diluent ... [to be] transferred around ... stopper 17” (Michael column 4, lines 62-63; emphasis added). Kamstra discloses separating stopper 40 and sealing stopper 41, neither of which has a flow path formable therein and there through. In Kamstra, injection liquid flows out of liquid compartments 38 and 39 via “slots 47 in the wall of the shaft of the cartridge holder” (Kamstra column 16, lines 10-11).

Thus, the combination of Michaels and Kamstra does not render claim 29 obvious.

Independent claim 29 is therefore still allowable.

For at least these reasons, dependent claims 35 and 36, which depend from independent claim 29, should also be allowable (i.e., dependent claims are allowable if their independent claim is allowable).

Accordingly, applicants respectfully request that the rejections of claims 35 and 36 under 35 U.S.C. §103(a) be withdrawn.

New Claims 37-44

New claims 37-44 are supported in the specification, for example, on page 20, paragraphs 80 and 81. Neither Michaels nor Kamstra shows or suggests the methods defined in claims 37-44. In particular, neither reference shows or suggests a method that includes placing a

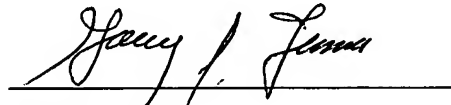
chamber in a low particulate environment to fill it with a wet medicament portion and/or placing a chamber in an aseptic environment to fill it with a dry medicament portion. Thus, these claims should be allowable. (If the Examiner intends to assert that these claims are obvious because these steps are well known in the art, applicants respectfully request that the Examiner cite a reference to support that assertion.)

Conclusion

The foregoing demonstrates that claims 29-44 are allowable. Therefore, subject to disposition of withdrawn claims 1-20, this application is in condition for allowance.

Reconsideration and allowance are accordingly respectfully requested.

Respectfully submitted,



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